

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Michael J. Swann,)	C/A No. 3:16-2724-CMC-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Akorn, Inc.; Interpace Diagnostics Group, Inc.,)	
)	
Defendants.)	
)	

Plaintiff, who is represented by counsel, filed this matter pursuant to the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101, et seq.; the Family and Medical Leave Act (“FMLA”), 29 U.S.C. §§ 2601, et seq.; and various state law claims against the named defendants. On December 6, 2016, Defendant Akorn, Inc. (“Akorn”) filed a motion for judgment on the pleadings pursuant to the Federal Rules of Civil Procedure, seeking dismissal of the plaintiff’s fourth cause of action—wrongful discharge based on public policy—against Defendant Akorn. (ECF No. 25.) As of the date of this order, the plaintiff has failed to respond to Defendant Akorn’s motion in accordance with Local Civil Rule 7.06 (D.S.C.). As such, it appears to the court that he does not oppose this motion and wishes to abandon his fourth cause of action against this defendant.

Based on the foregoing, it is

ORDERED that the plaintiff shall advise the court as to whether he wishes to continue with his fourth cause of action against Defendant Akorn and to file a response to Defendant Akorn’s motion for judgment on the pleadings within seven (7) days from the date of this order. Plaintiff is further advised that if he fails to respond, the fourth cause of action against Defendant Akorn may

be decided on the record presented in support of Defendant Akorn's motion, see Local Civil Rule 7.06 (D.S.C.), or may be recommended for dismissal with prejudice for failure to prosecute. See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

January 4, 2017
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE